
From: Waye, Don
To: Parry, Roberta
CC: Henning, Alan; Carlin, Jayne; Hall, Lynda; allison.castellan@noaa.gov
Sent: 10/23/2014 10:40:20 AM
Subject: Review Ag section of the Findings & RtC documents by Nov 7
Attachments: Draft Final Findings Document102214.doc; Response to Comments DRAFT 102114.doc

Roberta,

Thanks for stopping by my desk this morning and asking about the status of our Ag decision. You can see our strategy for communicating with Oregon on the Ag issues on pp. 21-22 of the attached draft findings document, we also discuss Ag more generally on pp. 1-2 of the same document. The basic message is: "we solicited public comment on the ag MM, but it is not one of our bases for disapproval (forestry issues are). We will work with Oregon to ensure it has programs and policies in place to satisfy all CZARA 6217(g) requirements for agriculture before proposing and making a final decision that the State has a fully approved coastal nonpoint program."

Please look over this language and let the folks on this distribution know if you have any concerns about this approach or comments on how it's articulated. Please also look over the Ag section of the attached RtC (pp. 42-58). Note that although we received lots of comments on ag, we our responses are very limited. The following paragraph is repeated for most answers:

Response: NOAA and EPA invited public comment on the adequacy of Oregon's programs and policies for meeting the 6217(g) agriculture management measures and conditions placed on Oregon's Coastal Nonpoint Program. The federal agencies appreciate the comments received and will consider them closely. However, the December 20, 2013, proposed findings did not propose a specific decision on whether or not Oregon had satisfied the CZARA 6217(g) agriculture management measures. Since the public did not have an opportunity to comment on a specific proposed decision and rationale for that decision, the adequacy of Oregon's agriculture programs is not a basis for the final findings that Oregon has failed to submit an approvable coastal nonpoint program. The public will have an opportunity to comment on NOAA and EPA's proposed decision regarding the agriculture management measures at a later date.

It isn't until p. 49 when another response is offered:

Response: NOAA and EPA recognize there are concerns about how well Oregon is enforcing its agriculture programs, including the AWQMA Program. NOAA and EPA continue to encourage the state to improve enforcement and tracking of the AWQMA Program and to ensure the state is using its authority under the AWQMA Program to the fullest to protect water quality and designated uses. However, under CZARA, NOAA and EPA cannot consider how well a state is enforcing a particular program for coastal nonpoint program approval, only whether or not the state has processes in place to implement the CZARA 6217(g) measures. (See response to Comment IV.C, Enforcement, for fuller discussion of this issue).

There are other unique responses on pp. 53, 55-58.

Thank you for your willingness to look over these documents.

-Don

From: Carlin, Jayne
Sent: Wednesday, October 22, 2014 2:04 PM
To: Waye, Don; Croxton, Dave; Henning, Alan; Wu, Jennifer; allison.castellan@noaa.gov; Solloway, Chris; Flahive, Katie; Rueda, Helen; Parry, Roberta; Melissa Rada - NOAA Affiliate; joelle.gore@noaa.gov; Psyk, Christine; Hall, Lynda; Byrne, Jennifer; jeff.dillen@noaa.gov; Barber, Anthony; Sweeney, Stephen

October 21 OR CZARA Managers' Meeting

Action Items

Managerial Team

- Review the attached draft Final Findings Document and Response to Comments by November 7.
- Will begin scheduling meetings for November/December with upper management in respective agencies.
Christine arranged a meeting with EPA Regional Administrator on November 19.
- Management team will decide (or recommend to upper management) on which approach to use on agricultural MMs (in consultation with Legal Qs and As on Additional Management Measures)

Legal Team

Ex. 5 - Attorney Client

Tech Team (updated on 10/22)

- Allison will incorporate outstanding pieces and Jayne will send the **decision/finding document and response to comments document** to the tech, legal and management teams for their review on October 22. **Completed. See attached.**
- Jayne will review the **state submittal to determine if there are comments contained within** and whether any of those comments are already addressed or need to be added to the response to comments document by COB on Oct 15.
- Tech Team will begin working on management support documents such as talking points, powerpoints and roll-out/communications plan (using previous versions as models) for January 30 decision. Allison will develop the initial draft of the rollout plan and the three things memo and share with the team.
- Tech team will address comments received by legal and management teams between Nov. 10th and Wed. Nov. 26th.
- Allison will share the roads and pesticide rationales and RTC with NMFS since they have not had a chance to review those yet.

Upcoming CZARA Managers Meetings

October 30 at noon/3 pm (note different call in number)
November 4 at noon/3 pm
November 12 at 11:30/2:30 pm
November 19 at 1:30 pm/4:30 pm
November 25 at 1:30 pm/4:30 pm

Upcoming CZARA Tech Meetings

October 28 at 10 am/1 pm
November 4 at 10 am/1 pm
November 18 at 10 am/1 pm
November 25 at 10 am/1 pm

Regards,

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